

Date of Decision : 7th February, 1996.

Special Civil Application No.10282 of 1995.

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For Approval and Signature

The Honourable Mr.Justice C.K. Thakkar

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Mr.V.M. Dotre, Advocate, for the petitioner.

Mr.D.A. Bambhania, Addl. Govt. Pleader, for the respondents.

Coram : C.K. THAKKAR, J.
(7th February, 1996)

Oral Judgment :-

Rule. Mr.D.A. Bambhania appears and waives service of rule on behalf of the respondents. In the

facts and circumstances of the case, the matter is taken up for final hearing today.

This petition is filed by the petitioner, directing the respondents to release regular pension, gratuity, commuted pension, amount of arrears in difference of salary from 1987 to 1993 and other consequential benefits.

It is the case of the petitioner that he joined SRP as constable in 1961 and was posted at SRP Group II, Gondal. In 1964, he was promoted as Grade IV Constable. In 1975, he was promoted as Grade I Constable. With effect from 15th of December, 1993, the petitioner sought voluntary retirement and by an order passed on that day, he was allowed to retire with effect from December 23, 1993 as Constable Grade I. In spite of the fact that he retired in 1993, he has not been paid his pensionary benefits. Learned counsel for the petitioner submitted that though he is entitled to pensionary benefits, and all the formalities have been undergone, the respondent-authorities have not granted pensionary benefits in his favour. I have heard Mr. Bambhanja and he contended that as mentioned in the order dated March 15, 1995, Annexure 'I', the respondent-authorities allowed the petitioner to accept provisional pension, but the petitioner had shown his unwillingness to accept it. In this connection, Mr. Dotre rightly submitted that when the petitioner has already retired, he is obviously interested in regular pension and not provisional pension. He submitted that as mentioned in paragraph 13 of the petition, almost in similar circumstances, two persons have been granted pensionary benefits and the respondent-authorities are paying regular pensionary benefits to them. According to him, though his case is similarly situated, he has been denied the said benefits.

In my opinion, no final order can be passed, granting the relief as prayed for by petitioner, but in the facts and circumstances of the case, particularly when it is the case of the petitioner that he has retired since 1983 and other persons have been granted pensionary benefits, the respondent-authorities are directed to decide the case of the petitioner as expeditiously as possible for granting regular pensionary benefits to him. Since the petitioner retired in 1993, it is directed that the respondent-authorities will decide the question of regular pensionary benefits to the petitioner as expeditiously as possible, preferably within three months from the date of receipt of the writ.

Rule is made absolute to the above extent, with
no order as to costs. Liberty to apply in case of
difficulty.

Direct service is permitted.

(apj)